

**REMARKS**

Claims 1-27 are pending in the application and claims 1-27 stand rejected.

**Claim Rejections under 35 USC §102**

Claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 stand rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al.

The present invention is a image pickup apparatus in which movie images including sound are stored in a storage medium (10) until a predetermined amount of data is reached and then transferring the image data into non-volatile recording medium (11). While the transfer is taking place image data continues to be recorded in the storage medium.

Fukushima et al. describes an image pickup device in which information is temporarily stored and moved after a predetermined amount of information data is stored. The variable RECCNT is used to count the number of images corresponding to image data stored in memory part 6. Further as indicated in column 10, lines 37-43 "it is also possible to perform a stable, continuous-shooting recording operation without causing the buffer memories M0 to M7 of the memory part 6 to overflow and interrupting the continuous-shooting recording operation during the continuous-shooting recording mode."

The difference between the present invention and prior art is during continuous-shooting recording operation, Fukushima transfers image data stored in a buffer memory (6) to a hard disk (8), reduces the counter value corresponding to the number of of image data which has been transferred

to hard disk (8) and after that operation, the next shooting operation will be started. Therefore, Fukushima does not disclose performing the step of storing and the step of recording in parallel which is disclosed by the present invention.

Therefore, independent claims 1, 7, 13, 19, 22 and 25 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“A method for recording image, comprising the steps of: storing image data continuously obtained by an image pickup operation in a storage medium; measuring the amount of the image data stored in the storage medium until reaching a predetermined amount of data; and recording each piece of the image data being stored in the storage medium into a non-volatile recording medium after the measured amount of the image data equals the predetermined amount, wherein after starting the step of recording, the step of storing each piece of image data continuously obtained by the image pickup operation in the storage medium and the step of recording each piece of the image data being stored in the storage medium into the non-volatile recording medium are performed in parallel without pausing, interrupting or reducing the rate of recording the image data.” (Emphasis Added)

Therefore, withdrawal of the rejection of Claims 1, 3, 4, 7, 9, 10, 13, 15, 16, 19, 21, 22, 24, 25 and 27 under 35 U.S.C. 102(e) as being anticipated by Fukushima et al. is respectfully requested.

### **Claim Rejections under 35 USC §103**

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. in view of Anderson et al.

Anderson et al. describes an image data identifier variable, an image data current location

data field and a plurality of data cell “pointers” used to locate data cells. Contrary to the Examiner’s assertions, Anderson et al. does not disclose the data length of images being stored. Therefore, the Examiner’s rejection is respectfully traversed.

Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 are allowable by virtue of their dependence from allowable independent claims. Therefore, withdrawal of the rejection of Claims 2, 5, 6, 8, 11, 12, 14, 17, 18, 20, 23 and 26 under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. in view of Anderson et al. is respectfully requested.

#### **Conclusion**

In view of the aforementioned amendments and accompanying remarks, claims 1-27, as amended, are believed to be patentable and in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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